

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Rural Development)

Plaintiff

v.

GILBERTO MALAVE NUÑEZ

Defendant

CIVIL NO. 97-1209 (GG)

FORECLOSURE OF MORTGAGE

**WRIT OF EXECUTION OF JUDGMENT**

TO THE MARSHAL OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

GREETINGS:

WHEREAS, the Honorable Gilberto Gierbolini, United States District Judge, has issued an order in this case dated April 15, 1998 which copied literally, reads as follows:

**"ORDER FOR EXECUTION OF JUDGMENT**

Pending before this Court is plaintiff's "Motion for Execution of Judgment" (Docket entry #13), seeking the execution of the judgment entered by us on October 22, 1997. It appears from the record and plaintiff's motion that defendants have failed to pay the sums of money adjudged to be paid to plaintiff under said judgment.

In view of the above, and that more than ten (10) days have elapsed from the entry of Judgment, plaintiff's request is hereby GRANTED. Consequently, the United States Marshal for the District of Puerto Rico shall sell at public auction to the highest bidder, the property referred to in paragraph 4 of the complaint, in the manner herein further provided:

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a) Said public sale shall be held at the office of the Marshal for Superior Court of Puerto Rico, Arecibo Part, in accordance with 28 U.S.C. 2001;

b) Notices of Sale shall be published by the United States Marshal once a week for at least four weeks prior to the date of the sale, in a newspaper printed regularly and having general circulation on the Commonwealth of Puerto Rico, in accordance with the provisions of 28 U.S.C. 2002;

c) The amount of \$36,000.00 shall serve as the minimum bid for the first public sale. Should the first public sale fail to procure an award or adjudication, two-thirds of the aforementioned amount shall serve as the minimum bid for the second sale. Should there be no award or adjudication at the second public sale, the basis for the third sale shall be one-half of the amount specified as the minimum bid for the first public sale. Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the entire amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to that owed if it is more.

d) The United States Marshal at the sale shall not accept in payment of the property to be sold anything but United States currency or certified checks, except in case the property be sold and adjudicated to the plaintiff, in which case the amount of the bid made by plaintiff shall be credited and deducted from its credit; said plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness then remaining unsatisfied;

e) All junior lienholders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to the their respective liens;

f) Upon the confirmation of the sale by this Court , the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

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g) The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED.

San Juan, Puerto Rico, this 15<sup>th</sup> day of April, 1998.

(s) Gilberto Gierbolini  
GILBERTO GIERBOLINI  
UNITED STATES DISTRICT JUDGE"

THEREFORE, you as said Marshal of the United States District Court for the District of Puerto Rico are hereby ordered to proceed by virtue of this Writ of Execution and in compliance with the order copied above, according to law, in order to execute the judgment entered in this case against the defendants.

In San Juan, Puerto Rico, this \_\_\_\_\_ day of \_\_\_\_\_,  
2004.

FRANCES RIOS DE MORAN, Clerk  
United States District Court  
For The District of Puerto Rico

By: \_\_\_\_\_  
Deputy Clerk